

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on April 11, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused: None

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: HJ 35, SB 236, SB 366, SB 123, SB 310, SB 368

EXECUTIVE ACTION ON HJ 35

00:01:00 **Motion:** Rep. Berglee moved that **HJ 35 DO PASS.**

Discussion:

00:01:06 Helen Thigpen, Legislative Services Division (LSD)
00:01:33 Rep. Usher
00:01:43 Rep. Bishop
00:01:56 Rep. Eck left the meeting,
00:02:35 Rep. B. Brown
00:02:58 Rep. Court
00:03:47 Rep. Hill Smith
00:06:57 Rep. Harris
00:08:15 Rep. Morigeau
00:09:26 Rep. C. Knudsen

00:10:09 **Motion:** Rep. Usher moved that **HJ 35 BE AMENDED.**

Discussion:

00:11:30 Rep. B. Brown
00:11:38 Rep. Manzella left the meeting.
00:11:59 Rep. Court

00:12:28 **Vote:** Motion carried 18-1 by voice vote with Rep. M. Regier voting no. Rep. Eck and Rep. Manzella voted by proxy.

00:12:30 **Motion:** Rep. Berglee moved that **HJ 35 DO PASS AS AMENDED.**

Discussion:

00:12:34 Rep. Manzella joined the meeting.

00:13:20 **Vote:** Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. Harris, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no. Rep. Eck voted by proxy.

EXECUTIVE ACTION ON SB 236

00:14:52 **Motion:** Rep. Berglee moved that **SB 236 BE CONCURRED IN.**

00:14:55 Rep. Eck joined the meeting.

00:14:58 **Motion:** Rep. Wagoner moved that **SB 236 BE AMENDED.**

[EXHIBIT\(juh76a01\)](#)

[EXHIBIT\(juh76a02\)](#)

Discussion:

00:15:40 Rep. Court
00:15:58 Rep. Wagoner
00:18:04 Sen. Fielder
00:18:55 Rep. McConnell

00:19:40 Rep. Harris
00:20:25 Rep. Kelker

00:21:42 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

00:22:36 Rep. Berglee left the meeting.

00:23:01 **Motion:** Rep. B. Brown moved that **SB 236 BE CONCURRED IN AS AMENDED.**

Discussion:

00:23:21 Rep. Eck
00:25:38 Rep. C. Knudsen
00:26:30 Rep. Usher
00:27:54 Rep. Kelker
00:30:18 Rep. Sheldon-Galloway
00:31:34 Rep. Court
00:33:55 Rep. Wagoner
00:36:31 Rep. Morigeau
00:39:34 Rep. Manzella
00:43:30 Rep. Harris
00:45:14 Rep. McConnell

00:48:58 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. C. Knudsen, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Berglee voted by proxy. Rep. Wagoner will carry the bill.

EXECUTIVE ACTION ON SB 366

Discussion:

00:50:49 Helen Thigpen, LSD

00:51:17 **Motion:** Rep. B. Brown moved that **SB 366 BE CONCURRED IN.**

00:51:35 **Motion:** Rep. Usher moved that **SB 366 BE AMENDED.**
[EXHIBIT\(juh76a03\)](#)

00:51:46 Helen Thigpen, LSD

00:52:35 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee voted by proxy.

00:53:01 **Motion:** Rep. B. Brown moved that **SB 366 BE CONCURRED IN AS AMENDED.**

00:53:14 **Motion:** Rep. Court moved that **SB 366 BE AMENDED.**
[EXHIBIT\(juh76a04\)](#)

Discussion:

00:53:20 Helen Thigpen, LSD

00:54:02 Rep. Court

00:55:02 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee voted by proxy.

00:55:36 **Motion/Vote:** Rep. B. Brown moved that **SB 366 BE CONCURRED IN AS AMENDED**. Motion carried 15-4 by roll call vote with Rep. Doane, Rep. Harris, Rep. C. Knudsen and Rep. Sheldon-Galloway voting no. Rep. Berglee voted by proxy. Rep. Usher will carry the bill.

EXECUTIVE ACTION ON SB 368**Discussion:**

00:56:52 Helen Thigpen, LSD

00:57:22 **Motion:** Rep. B. Brown moved that **SB 368 BE CONCURRED IN**.

Discussion:

00:57:29 Rep. Eck

00:59:02 **Motion:** Rep. Manzella moved that **SB 368 BE AMENDED**.

[**EXHIBIT\(juh76a05\)**](#)

00:59:51 Rep. Berglee joined the meeting.

01:01:25 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

01:02:25 **Motion:** Rep. B. Brown moved that **SB 368 BE CONCURRED IN AS AMENDED**.

01:03:29 **Motion/Vote:** Rep. M. Regier moved that **SB 368 BE AMENDED**. Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Eck, Rep. Hill Smith, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

[**EXHIBIT\(juh76a06\)**](#)

01:04:18 **Motion:** Rep. Berglee moved that **SB 368 BE CONCURRED IN AS AMENDED**.

Discussion:

01:04:20 Rep. Hill Smith

01:04:52 Helen Thigpen, LSD

01:05:27 Chair Doane

01:05:36 Rep. Eck

01:05:45 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Sheldon-Galloway voting no. Rep. Manzella will carry the bill.

Discussion:

01:06:47 Rep. Usher

EXECUTIVE ACTION ON SB 123

01:07:24 **Motion/Vote:** Rep. Court moved to **RECONSIDER PREVIOUS ACTION** on **SB 123**. Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. Manzella and Rep. M. Regier voting no.

01:08:41 **Motion/Vote:** Rep. Court moved that **SB 123 BE CONCURRED IN**. Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. Harris, Rep. Manzella, Rep. M. Regier and Rep. Wagoner voting no. Rep. Knudsen will carry the bill.

EXECUTIVE ACTION ON SB 310

01:09:58 **Motion/Vote:** Rep. Morigeau moved to **RECONSIDER PREVIOUS ACTION** on **SB 310**. Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Harris, Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier and Rep. Usher voting no.

Discussion:

01:10:19 Helen Thigpen, LSD

01:11:59 Rep. Manzella

01:12:27 Rep. Morigeau

01:13:44 **Motion/Vote:** Rep. Morigeau moved that **SB 310 BE CONCURRED IN**. Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Usher voting no. Rep. Morigeau will carry the bill.

ADJOURNMENT

Adjournment:

Sara Fleming, Secretary

sf

Additional Documents:

EXHIBIT([juh76aad.pdf](#))